

## **MINUTES**

### **UTAH RESPIRATORY CARE BOARD MEETING**

**July 18, 2007**

**Room 1<sup>st</sup> floor Conference Room – 1st Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:10 A.M.

**ADJOURNED:** 11:22 A.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Georgeine Bills  
Jack Fried  
Anita Austin, Board Chairperson  
Beverly J. Lambdin

**Board Members Absent:**

Vacant Position

**DOPL Staff Present:**

Brittany Butsch, Division Investigator  
Lloyd Hansen, Division Investigator  
Karl Perry, AG

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

##### **ADMINISTRATIVE BUSINESS:**

##### **MINUTES:**

The minutes from the September 20, 2006 Board meeting were read.

Ms. Lambdin made a motion to approve the minutes with minor revisions. Mr. Fried seconded the motion.

**The Board vote was unanimous.**

##### **APPOINTMENTS:**

##### **9:30 A.M.**

M. Corey Somerville, Probationary Interview

Mr. Somerville did not appear for his probationary interview.

Ms. Taxin updated the Board on Mr. Somerville. She explained that Mr. Somerville's license was placed on probation on December 11, 2006. Ms. Taxin read the

terms of his probation and stated that to date he has not yet completed and submitted the paperwork for drug testing through the Division and he has not submitted any of the required information. She informed the Board that Mr. Somerville is out of compliance with his Stipulation and Order. Ms. Taxin stated that she does not believe Mr. Somerville is working in the field of Respiratory Care.

**Mr. Fried stated that most places of employment for Respiratory Care do random drug tests and Mr. Somerville might not want to be tested.**

**Mr. Fried asked why he has not contacted Ms. Taxin since December.**

Mr. Perry, AG, stated that Mr. Somerville has the option of meeting with the Board to explain why he is not in compliance with the Stipulation and Order that he signed.

**Ms. Lambdin commented that if Mr. Somerville has another type of employment he could still meet with the Board or he could call the Division and explain his situation.**

**Mr. Fried made a motion to do an Order to Show Cause for non-compliance with his Stipulation and Order.**

**Ms. Bills seconded the motion.**

**Ms. Bills requested Ms. Taxin to explain the process for the Board.**

Ms. Taxin responded that Mr. Perry will prepare the Order to Show Cause. She stated that the document will be mailed to Mr. Somerville to review and will give him 30 days to respond. She stated that Mr. Somerville may request a Hearing before the Board to explain his position. Ms. Taxin stated that if Mr. Somerville does not respond then his license will be revoked.

Mr. Perry commented that normally an investigator is assigned to follow up with Mr. Somerville.

Ms. Taxin stated that she will try to complete the paperwork in time for the September meeting.

**The Board vote was unanimous.**

## **DISCUSSION ITEMS:**

Board Chairperson

Ms. Taxin explained that after July 1 each year the Board has the opportunity to re-nominate the current Board chairperson or to make a change.

**Mr. Fried made a motion for Ms. Austin to continue as Board chairperson.**

**Ms. Bills seconded the motion.**

**The Board vote was unanimous.**

Ms. Taxin informed the Board that a name has been submitted for the vacancy on the Board. She stated a new Board member should be appointed by the next Board meeting.

**The Board noted the information.**

Requiring High School Diploma or GED or  
Accepting Transcripts of Higher Education to  
complete Education Requirements

Ms. Taxin explained that currently the Division requires applicants to submit a copy of their High School diploma or a copy of their GED to document equivalent High School education. She referred the Board to the Law, 58-57-4(2)(d) which says: possess a high school education or its equivalent, as determined by the division in collaboration with the board. Ms. Taxin explained that some people are unable to produce the High School diploma or GED but have the college education and have taken the required examination. She asked the Board if the High School diploma or GED should continue to be required when there are transcripts documenting completion of the CoARC Respiratory Care education.

**Ms. Bills responded that individuals are not allowed to take the examination without documenting completion of a Respiratory Care college education. She did state that there are legitimate circumstances where applicants cannot**

**obtain documentation of graduation from High School but they can always obtain college transcripts.**

Ms. Taxin stated that this issue has held up the licensing process for several individuals. She stated that she believes by documenting the higher education the applicant will meet the requirement of completing High School.

**Ms. Bills responded that there are some High School students who are concurrently enrolled in Respiratory Care education programs. She again stated that if applicants have the NBRC certification they have met the education requirements.**

**Board members agreed with Ms. Bills.**

Ms. Taxin thanked the Board for their comments and stated that she will make the change in the application to require college transcripts and NBRC certification.

Requiring COARC Accredited Program only  
or Accepting CAAHEP Accredited Program

Ms. Taxin explained that applications have been received from individuals who have CoARC accredited education and individuals who have CAAHEP accredited education. Ms. Taxin asked the Board if the different accreditation is an issue if applicants have the NBRC certification.

**Ms. Bills responded that you cannot have CoARC without CAAHEP as CAAHEP is the head organization that approves accredited programs.**

Ms. Taxin asked if the Rules should say CoARC or CAAHEP accredited education program.

**Ms. Bills responded that the accreditation is CoARC but the Rules could say CoARC accredited and/or CAAHEP (Committee on Accreditation of Allied Health Educational Programs).**

**Ms. Bills made a motion to change the language under R156-57-302b to read: In accordance with Subsection 58-57-4(2)(e) and Section 58-57-5, “a respiratory care practitioner education program**

**that is approved by the board” means a respiratory care educational program accredited by the Committee on Accreditation for Respiratory Care (CoARC) and/or Committee on Accreditation of Allied Health Educational Programs (CAAHEP) as evidenced by NBRC certification as a CRT or RRT.**

**Ms. Lambdin seconded the motion.**

**The Board vote was unanimous.**

#### Student and Intern Practice

Ms. Taxin explained that the Division has received 2 complaints regarding some hospitals allowing people to work out of the scope of practice. She stated that Ms. Butsch, Investigator, and Lloyd Hansen investigated and found that these people were not practicing within their scope. Ms. Taxin explained that a Respiratory Care licensee was brought in to act as an expert for discussion regarding the issues. She stated that the Division determined to send a Letter of Concern to the people that were reported. Ms. Taxin read the letter to the Board but did not disclose the names as they are private. She stated that the letter was an immediate way of dealing with the problem. She stated that she is of the opinion that a letter should be sent to all facilities as the issues are not just in 2 facilities. Ms. Taxin stated that she obtained a list of all facilities and will be sending the letter to the main administrator and/or CEO.

Mr. Perry explained that the issues are going on State wide.

**Mr. Fried responded that he does not believe the issues are State wide but that there are just a few who are allowing inappropriate practice.**

Mr. Perry stated that he and Ms. Taxin thought they would let all facilities know the concern and they can review their facility to be sure they are in compliance.

Ms. Butsch stated that one administrator came into a facility in 1999 and continued to allow the practice that had been going on before he came. She stated that the administrator claimed the Respiratory Care was on

the job training and students claimed that almost everyone has a job in Respiratory Care prior to completing the education and examinations.

**Mr. Fried commented that one education program has told their student they could work prior to licensing.**

**Ms. Austin commented that she believes it is a good idea to clarify the practice to the facility administrators as there is a lot ambiguity of understanding requirements.**

**Ms. Bills commented that the requirements have changed over the years and maybe the administrators are not up to date on current requirements.**

**Mr. Fried responded that administrators have a responsibility to be up to date with the Laws and Rules of the profession.**

Ms. Taxin stated that if a letter is sent to the administrators then they cannot say that they did not know. She stated that the 2 that did receive the Letter of Concern questioned why they got the letter and other facilities did not.

Ms. Taxin stated that she has told people that if they were in school they should have a contract with the school and they would need to be supervised.

Mr. Perry commented that there is no provision in the Laws and Rules for on the job training.

**Ms. Austin responded that on the job training will not allow people to obtain the NBRC certification.**

**Ms. Bills asked if there could be a contract for an internship.**

Mr. Perry responded that if there is an internship the education institution would have an internship contract with the student.

**Mr. Fried commented that there is always pressure**

**to save money. He stated that saving money does not enter into the equation as the Board is charged with the responsibility to protect the public.**

Ms. Taxin stated that some people who are scheduled to graduate soon have asked her if it is ok to work as a Respiratory Care Practitioner. She stated that she has informed them that it is not ok until they are licensed. She stated that when students are placed in an internship they are covered by insurance through the education program but after the education is complete there is no protection of insurance coverage for them.

Ms. Taxin requested the Board to review the list of facilities. She asked them to cross out any that should not be on the list and to let her know if there are any that should be on the list.

Ms. Taxin read the letter that will be sent to the facilities.

Mr. Perry stated that the letter should say Unlicensed Practice of Respiratory Care.

**Board members recommended some minor revisions to the letter.**

Ms. Taxin stated that the Division did not receive a formal complaint against the University of Utah Hospital. She stated that through the investigation process, it was reported that the University of Utah Hospital was also hiring unlicensed practitioners. She asked if she should open an investigation on them or give them a break and just send the letter.

**The Board recommended a letter be sent.**

Mr. Hansen stated that a letter should be sent. He stated that if a complaint is received it will be investigated and the Laws and Rules will be enforced.

**Ms. Bills asked if the letter could be sent to her to post on the Utah Respiratory Care Association website for all membership to review.**

Ms. Taxin agreed to forward an electronic letter to Ms.

Bills for posting on the Association website.

Ms. Taxin stated that the Division does not want the letter to be a threat but educational. She recommended the letter be sent to Dear CEO and/or Administrator.

**Board members agreed.**

Ms. Taxin concluded that she will send a copy of the letter to the Board.

Letter to Facilities/Schools

Ms. Taxin stated that this discussion item was covered in a previous discussion.

Global Definitions of Levels of Supervision

Ms. Taxin explained that Mr. Stanley met with the Legislative Committee who gave him a global definition for supervision and requested he have the Boards review their Laws and Rules to try to standardize their definitions.

Ms. Taxin stated that one of the Legislators happened to randomly review the Respiratory Care Law.

**Ms. Austin remarked that she believes he was reviewing a lot of laws but he called only the Respiratory Care Practitioners to meet for a Hearing regarding the supervision.**

Ms. Taxin asked the Board if they believe their definitions regarding supervision are adequate or if they believe the definitions of supervision need to be adjusted. She stated that the Board could review the proposed global definitions and be prepared to discuss and make recommendations at the September 4, 2007 Board meeting.

**Ms. Bills responded that she believes the recommended supervision definitions are good. She stated that the Board has discussed different levels of supervision.**

**Ms. Austin stated that Respiratory Care Practitioners practice under general supervision.**

**Ms. Bills recommended the Board take the information with them to review and cross**



**reference for further discussion at the September meeting.**

**Ms. Austin recognized a Law reference in the Rules that needs to be corrected under R156-57-102. Definitions (2). She pointed out that the reference is currently 58-57-2(4)(e) and should be 58-57-2(3)(v).**

Ms. Taxin stated that she will make the correction. Ms. Taxin recommended the Board completely review the Law and Rules and if there are any other areas in the Rules that need clarification bring it up for discussion at the September meeting.

FYI

Ms. Taxin notified the Board of the resignation of Craig Jackson as Division Director and the appointment of F. David Stanley as Division Director.

Ms. Taxin stated that Mr. Stanley has been over construction trades and has oriented himself with all the professions. She stated that if he is available to drop in today she will introduce him.

FYI

Ms. Taxin notified the Board that Jeffrey (Jeff) Earl Topham surrendered his Respiratory Care license. She read the facts of the case to the Board.

**Mr. Fried asked who the last person was that surrendered his license.**

**Ms. Bills responded that it was Tyler Miller.**

Ms. Taxin stated that Mr. Miller held dual licensing and was monitored by the Nursing Board. She stated that he had additional problems and surrendered his license.

**NEXT MEETING SCHEDULED FOR:**

September 4, 2007

**ADJOURN:**

The time is 11:22 am and the meeting is adjourned.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

September 4, 2007  
Date Approved

Anita Austin  
Chairperson, Utah Respiratory Care Licensing Board

August 14, 2007  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational &  
Professional Licensing